

BOARD OF MAYOR AND ALDERMEN

December 16, 2003

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Smith, Thibault, Forest

Absent: Alderman Garrity

Mayor Baines stated before I begin the meeting this evening, I do have some presentations that I would like to make. First of all, I would like to honor three School Board members who will be leaving the Board at this time and I would like to ask them to come forward – Dan Healy, Sandy Dubisz-Paradis and Jon Gross. Would you please come forward and accept the gratitude of the Board of Mayor and Aldermen in the City of Manchester for your service to the City. The first presentation I would like to make and I will only say this once because I am presenting it to a number of people tonight but when I do present the key to the City I remind people that it is on behalf of all of the citizens of Manchester and the Board of Mayor and Aldermen here this evening and it is a symbol. I always tell people that it doesn’t open anything. There is no treasury that it opens but it is really a symbol of the doors of opportunity that have been opened because of your service to our community. The first one I would like to present this evening is to a really distinguished public servant who served for 18 years. It is a long time of service and a lot of meetings and a lot of time away from family like in all of the cases here this evening. He has had a number of leadership positions on the Board. He was Vice-Chairman of the School Board for a number of years, Chairman of the Finance Committee. He has always been a gentleman. Just like in public life not everyone agrees but he has always kept his dignity and respect at all times. He has really been a role model as I said for people who serve our community and through it all we have remained friends and it is an honor for me to present this to Dan Healy and thank him for his years of service. Now I always tell this story because people tell me it is true, she actually used to be my babysitter.

Ms. Sandra Dubisz-Paradis responded and he was my paperboy.

Mayor Baines replied that is true. I was her paperboy when she first got married on Branch Street. We have been friends...our families have actually been friends. Our dads were friends and the Dubisz family is legendary in South Manchester and they are a political force to be reckoned with as well. She has been a real strong advocate for the people in her ward

and the children. She has gone to bat for them each and every time that she has had an opportunity to advocate for funding, for textbooks, for better school facilities with the Design Build project she has really been a mentor to a lot of people who have served on the Board and she is a source of wisdom. Often times when you are in the battle we turn to Sandy and she has some words of wisdom and it usually reflects on the long history in our City. So it is with gratitude that I present not only to a colleague but a dear friend of mine through my entire life, Sandy Paradis. Thank you for your many years of service.

Ms. Dubisz-Paradis stated I would like to thank the Mayor. I sincerely appreciate all of the Aldermen that I have worked with in the past. This particular Board has been a super one I will tell you. They worked with the School Board so well. In the 14 years and 7 terms that I have served I think you are the best Aldermanic Board that I have ever served with and I appreciate you people so much. I really do appreciate my particular Alder-Lady in Ward 8 because she worked with me for the last two years going into the schools. She was really helpful and we telephoned each other and discussed items whether they were Aldermanic or School Board. Sometimes people called me and it was really her matter so we got along beautifully and I really and sincerely thank Betsi DeVries and all of the departments we have worked with, whether it is Fire, Police, Finance...all of the departments that I have worked within the last 14 years. I really appreciate it. They have been wonderful. I am going to miss a lot of you. I am going to miss all of you actually. I am a people person. You still might see me up here maybe something to do with the senior center since I am over 65. I would like to recognize my family in the audience – Debbie Dubisz, my sister-in-law; Lorraine Dubisz, my sister-in-law and behind them is my son-in-law Jim Connelly, Sara Connelly, Katherine with little baby Samuel Connelly, Ethan Connelly and Benjamin Connelly. That is only my youngest side of the family. So we represent the Dubisz' and the Paradis' and the Connelly's here this evening. I just want to thank you very much. I am going to miss some of this public life, I am sure I am but I will be back. I have a few health issues to take care of but by next spring I should be on the mend hopefully. Thank you very, very much. I appreciate it.

Mayor Baines stated finally anybody who gets involved in public life and Jon has a passion...he ran for School Board a number of years ago and was successful this last time and ran for reelection and was not successful but that does not diminish his years of service and his strong advocacy for the youth of our City. I think your legacy will be helping us regain control of the school finances and you worked to advocate the Design-Build and restoring our schools to be worthy of our students and teachers. Jon, I thank you for your years of service to the citizens of Manchester.

Mr. Jon Gross stated Sandy actually said enough for all of us but it is true. This Aldermanic Board was exceptional in dealing with the School Board and I know the one that is coming up will also be. I just want to say we really appreciate the fact that our relationship has

developed the way it has and also with Finance and the other City departments. Thank you very much.

Mayor Baines asked Alderman Real Pinard to come forward. Now, I do need to say some things...when you are an Alderman it is all about constituent service. Right? When all is said and done and if anybody wants to be an Alderman, inspires to be an Alderman or serves as an Alderman if you want to know about constituent service this is Mr. Constituent Service. He is an Alderman 24 hours a day and he also spends a lot of time in the Mayor's Office. I actually think that he thinks that Dave Scannell works for him but he is a frequent visitor to the Mayor's Office and City Hall. He is an Alderman who takes his responsibility very seriously keeping informed on issues and meeting with various departments of the City. We have had a lot of fun through the years. I know when Mrs. Blushiy was here they shared a cup of coffee early in the morning and I know they still stay in touch. Alderman we are going to miss you but I know you are not going to be far away and you will probably still be visiting and having Dave Scannell work for you in some capacity. So it is an honor for me to present this key to the City to my friend the Alderman from Ward 6, Real Pinard.

Alderman Pinard stated I appreciate this. At my age and what I have learned in the past six years you don't learn that in any school, guaranteed. When the Mayor says I was a 24-hour a day Alderman, I was. I will still be available to the constituents of Ward 6. I will help Paul Porter as much as I can to start because Ward 6 is a big ward. Thank you and I want to thank the voters of Ward 6 for supporting me for six years and the staff and the City of Manchester because if you want to know anything you go to the City Clerk. Carol, Paula and the whole gang is right there to help you. Mr. Mayor, thank you very much.

Mayor Baines stated when we open up that new fire station in Ward 6 pretty soon I am going to remind people that he was the prime advocate for that project from Day 1 going back many, many years to provide that much needed service to Ward 6 so we will have more to say about you later. Now, Alderman Dave Wihby could you please stand. Please sit down because there are some things I want to say about Dave. What a lot of people don't realize about Dave and I will try to say this and keep my emotions in check, he works behind the scenes and behind the headlines. I will give you an example. Most recently the closing of Jac Pac. He is the guy who doesn't go to the newspaper and doesn't seek any headlines or any credit but he calls me on the phone whether I am at home or on my cell phone and he said Bob we have to work together to try to see if we can do something down there and he said I am going to reach out to some people that I know and make some phone calls and Saturday we talked about and I was on the phone with the Governor after that almost every day for the next three days trying to work to see what we could pull together. Now people don't know about that but that is the way he does business and he does it with respect and with dignity and really provides and example for those people who serve in public life. He served with how many Mayors, Dave?

Alderman Wihby answered four.

Mayor Baines stated I would bet that any of the four of us up here would say the same thing about Dave. If you have a disagreement it is over just like that. When it is over we are talking about our families, what is going on at holidays or whatever it might be. That is an example that all of us should take note of. You don't hear him doing public criticism in the newspaper or trying to grab headlines. He works with the department heads behind the scenes. If there are issues, he picks up the phone and calls them and comes down to visit and flushes out the issues and makes judgements. You don't always agree with Dave, but you always respect him and that is what public service is all about. When he says goodbye after 18 years he leaves a lot behind. He leaves a legacy of commitment and dedication and excellence to public service, which will really be an example for all who serve here now and in the future. He had great strength in many areas and one was the budget. When there were questions about numbers and what needed to be done or what needed to be accomplished he was always working behind the scenes and behind the headlines to forge a consensus on some of the great issues that we faced and the challenges during his 18 years of service. There were a lot of great things that happened in Manchester because he was there at the right place at the right time offering his advice and his consultation to help get things done because at the end of the day that is what Dave cared about. Not that anyone would get credit but that the job would get done. Dave, it has been an honor and a privilege to serve with you and I am very proud to call you my friend. Congratulations for your wonderful service throughout the years.

Alderman Wihby stated I just want to take a few seconds and thank the Mayor for his kind words this evening and also to the Board for the last two years. I think we have all worked together and we accomplished a lot but you don't serve 18 years unless you thank the department heads and the employees of the City. They are the ones that make all of the Aldermen look good when you pick up the phone and they react and I don't think any department head ever said no. They have always said let's see what we can work out and we have worked things out for the benefit of the City. City Hall has been a second home to me. Being an Alderman has been a second life. We have accomplished a lot, I think, in 18 years. We are proud of the things that you see, the Verizon Center. Again, with Tim Bechert running that it makes us all look good. Hopefully the baseball will come about and will work out good. We had things like you don't really see. We changed the fiscal year. We were able to do the schools last year. Next year hopefully we will do some of the infrastructure in the City. We also had a rainy day fund put in and we have \$10 or \$12 million and we are trying to keep that and I would urge this Board...every budget year I was here to argue that we don't spend it and hopefully we don't unless we really need to but a lot of things were accomplished. I do have a first life and a first home and for the next two years I will be able to spend it with my life. We are celebrating our 25th anniversary next week and I am looking forward to spending the next two years with my children. Some meetings you miss your anniversary or you come in late for a meeting because your

granddaughter is being born or you miss soccer games and for the next two years I don't have to worry about that. I just want to thank the department heads for all they have done for me in the last 18 years and the voters of Ward 1 for re-electing me all of those years and hopefully we set the stage now because when we do things now that is going to effect us in years coming so hopefully we can move forward, work together and hopefully we are going to move Manchester in the right direction and I just want to say thank you to everybody.

Alderman Gatsas stated I understand now that a School Board member has more or less retired you are the senior member of that Board.

Mayor Baines responded no that was corrected the other night. Mrs. Paradis incorrectly stated that with her departure I became the oldest member of the School Board and it took me back a little bit because it would have been the first time I had been the oldest member of any organization but the record is clear that Katherine Labanaris is almost one year older than I am so I am here to correct that record this evening.

Presentation by R. Gordon Leedy of Vanasse Hangen Brustlin, Inc.
regarding the Hackett Hill Master Plan.

Ms. Jane Hills stated I would like to introduce for the record myself. I think most of you know me. I am Jane Hills, the Assistant Economic Development Director for the Manchester Economic Development Office and with me this evening is Gordon Leedy from VHB who has served as the consultant on this project that we will be talking about tonight, Ken Edwards who is the Assistant Economic Development Director with the Manchester Housing and Redevelopment Authority, our partner in the development of a number of projects throughout the City and Pam Goucher, the Deputy Planning Director. In July of last year the Board asked staff to provide an updated report on the status of the Master Plan for the development of Hackett Hill or the business part of Hackett Hill. To give you a little bit of background and to bring you up-to-date in September 2000 we originally gave a presentation on this Master Plan to the Board of Mayor and Aldermen and in November a public hearing was held even though a public hearing was not required as part of this process. Following that public hearing the Master Plan was referred to the Committee on Lands and Buildings. During the time since then, the staff has been working on completing the acquisition of property for the business park and for the transfer of property that is now identified as a preserve and owned by the Nature Conservancy as part of the City's CSO agreement with the State and Federal government agencies. Some reductions in City staff and work on other major projects have required large commitments of staff time and we are now coming back to this project. The national economy, which was heading into recession two years ago when we first presented this plan is now emerging from that recession and businesses are beginning to get into an expansion mode again and we need to be ready. This is the time for us to go ahead. Since it has been three years since the original presentation,

there are several new members on the Board so we will this evening be presenting just a general framework for the Hackett Hill Business Park Master Plan and we will be requesting that the plan and related development documents be referred to the Committee on Lands and Buildings for recommendation back to the Board. The updated version that you will be hearing tonight does incorporate questions and comments that were received from the Board and from the public in 2000.

Mr. R. Gordon Leedy stated I wanted to just give a brief overview of the project and then I will be happy to answer any questions that the Board might have regarding the plan. Those of you who have been involved with this process may recall that the property was acquired as a part of the CSO agreement with DES and the EPA in which the City agreed to preserve pieces of this property and convey them to the Nature Conservancy and in addition acquire other pieces of property to package the so-called preserve, which has been conveyed to the Nature Conservancy. This process in part saved the City about \$54 million so that was really one of the primary reasons for acquiring the property but there were others starting with the lack of Class A business space in the City. The City has been undergoing a decent case of development over the last 10 years and Class A business space, particularly in a more suburban park-like setting is at a shortage. The space that would be developed at Hackett Hill would be different from and complimentary to the Millyard and the Elm Street markets as we will discuss a little bit later and it represents one of the single best opportunities to increase the City's tax base and it is in a highly visible location that is conducive to development of a high quality corporate environment. The site itself is an 833-acre property that is located in the Northwest corner of the City. It was acquired from UNH in 1998 as a part of a deal to kind of bring the University downtown into the Millyard and they had I guess in 1967 or thereabouts developed some infrastructure on the site so there was some roadway infrastructure, some utility infrastructure and so forth so a portion of the site anyway was ideal for consideration for development. There are in addition very unique natural areas on the property. In fact, the majority of the site represents areas of critical importance in terms of natural environment - black gum swamps from some trees being over 400 years old, Atlantic White Cedar swamp...if you have ever been out there walking around it is almost premortial. It is an absolutely fabulous area so we wanted to make sure that we considered all of those unique assets in the development of this plan and as I mentioned earlier it is adjacent to the F.E. Everett Turnpike and there is an opportunity to provide needed additional highway infrastructure, highway access to this area to enable access to this property as well as other underutilized properties in that section of the City. This is a site analysis plan that outlines the property. You have the F.E. Everett Turnpike in this location; the existing Amoskeag Bridge exit is down in this area. Hackett Hill Road comes off of there, off of Front Street to the Countryside Village development and Hillcrest Terrace. The site is bordered by the Countryside Village property and Hillcrest Terrace property. It goes over almost to the Goffstown line. It comes down adjacent to Black Brook and follows Dunbarton Road for a significant distance and then completes its frontage along the F.E. Everett Turnpike. There is a Public Service of NH right-of-way that goes through

the site and adjacent to the site is the City landfill property that has been closed and has been recently capped and reseeded. There is residential development like Washington Park and so forth along Front Street, which runs along here. One of the opportunities that has been in the plans for a long time is to develop a new Exit 7 to take some of the pressure off of the Amoskeag Bridge interchange system and to develop a new highway interchange in this location. It is currently in the 10 year plan in the out years, in about 2014 is the current plan with engineering set to commence in about 2008 I believe. So, that represents both an opportunity and a constraint in that right now the only access to the property is off of Hackett Hill Road. There is, as I mentioned, a road that goes up into the site in this location and there are a number of parking lots that were developed as a precursor to a planned commuter campus for UNH. The key issues are really access to the site in that as I mentioned Hackett Hill Road is currently the only good access to the site due to the constraints down at Front Street on Dunbarton Road. Access can be developed from the F.E. Everett highway but not without some cost as well as a timing constraint. So, we also have the environmental sensitivity that I discussed and market conditions are such that we need to plan a development carefully to respond to the ability to time development to respond to the market. We don't want to have a lot of infrastructure sitting in the ground out there at great expense with no users in sight and there is challenging terrain. There is quite a bit of steep slopes. We did identify the watershed area of the wetland systems that are on the site and made a commitment to stay outside of those watersheds for the most part in development of the site so the terrain really was a way to frame the plan. The conceptual Master Plan as it has been presented provides sites for up to 1.5 million square feet of new corporate R&D light manufacturing and office space although there are some areas of the site that could be available for additional development if the market conditions were such desirable. The layout in the Master Plan use the existing infrastructure as much as possible. The roadways that are in. There is sewer in. There is water in. There are telephone lines and street lights out there although all of that needs to be looked at and upgraded in the process of development and development in the plan is phased to respond to the market. We don't need to develop the whole thing at once. We should look at taking portions of the property as users come to the floor and develop it only as there are opportunities to develop income and only as those opportunities are presented. Development is also integrated with plans for the preserve. In the development of this plan we worked closely with the Nature Conservancy. The City negotiated with the Nature Conservancy to create a subdivision line and subsequently conveyed a significant portion of the property to the Nature Conservancy and the development is formulated to have as little impact as possible on any of those lands that are of critical environmental importance and in addition to provide the City with the opportunity to maximize the value and the taxable value of the property a part of the plan enacts strict environmental and design controls so there will be a mechanism to control development and insure that it is of the highest quality available. This is the Master Plan and the lighter green area here is the preserve and as you can see it is the majority of the 833-acre site. Hackett Hill Road is along this side of the property going out to Front Street in this location. Dunbarton Road is on this side of the property and would connect to that new

interchange Exit 7. There are several sites for development along Hackett Hill Road. There are three – the existing French Hall, a site up in this corner and a site down adjacent to the highway then as you come in that existing roadway, which is essentially where we have shown the new road on the plan there are additional sites off of that. A large site up at the top of the hill and then a new roadway would need to be constructed out to Dunbarton Road and connecting to the new interchange. That really represents the single largest investment that would need to be made as part of the development of this property so the idea would be to develop portions of the site that don't depend on building that infrastructure to create some income to pay for at least in part the construction of the improvements. The single biggest constraint from a traffic perspective is the underpass under the F.E. Everett Turnpike at Hackett Hill Road. As those of you who have driven that road know, it is fairly narrow and constrained. We did do a sensitivity analysis that included what we knew of the development that was to take place up in the Countryside Village and Optima lands, as well as the development that could take place off of this existing infrastructure and we found that we could accommodate safely by that underpass an additional 500,000 to 600,000 square feet of development on the Hackett Hill property. So, after we get pass that threshold we would need to then accommodate additional development build this road out to Dunbarton Road and have the interchange in place. So that is kind of the drop dead Phase I, Phase II piece of this in that we could go forward for a certain amount of time in a certain amount of development and then there needs to be a commitment made to build the rest of the infrastructure. The development of Exit 7 as I indicated is...the engineering piece of it is about 2008 in the 10 year plan and right now the development of the interchange itself is at 2014, which effectively means that is it sometime in the future as far as DOT is concerned. Our understanding from discussions with DOT is that if the City were to be serious about funding the local match portion of that project then there may be an ability to move that up somewhat although that would be subject to obviously discussion with DOT. They have, as we all know, large projects underway that are taking care of their budget commitments at this point. So the development of Exit 7 is really as I said the second phase constraint of the project. I mentioned the design and development guidelines. Those guidelines and process spell out requirements for architectural, site and landscape design. They call for environmental protection. They call for water quality enhancements. There is an opportunity here to do an integrated approach to storm water management that would both benefit the site development as well as keep everything under one roof. You could have...potentially there would be an ability to share the investment and recapture it from multiple users to provide for better environmental quality on the site. The design review process would rest with a board created by MHRA who will administer the development of the property and would also include input from obviously the Planning staff and any economic development to protect the City's investment and to insure that the development that comes forward is in conformance with the requirements of the design guideline. What this project seeks to do is to capture high quality users representing the new economy. Now I will be honest with you. This presentation in part was developed pre-tech bubble so perhaps the new economy is somewhat of a passe term but the fact remains that New Hampshire in general and

Manchester in particular are under more demand as quality of life issues for employers becomes an important consideration of where they are located and the City needs to provide land for this kind of development to happen so that we can develop good jobs and a good tax base as the City moves further into the 21st century. The market for Hackett Hill compliments the existing areas of the Millyard and Elm Street. There is a three-legged stool in the commercial real estate market in Manchester. One of them is the Millyard with its own kind of idiosyncrasies and customers. One of them is Elm Street and another is this sort of corporate park environment. This project represents an important piece of that market. The existence of design and development guidelines outside of zoning controlling in a more stringent fashion development on the site allows the development, if it proceeds within those guidelines, to proceed without unnecessary delay. So, there could be a streamlined process put together that allows developers as long as they are conforming with the requirements of the plan set forth here and by MHRA in their development plan that they will receive positive consideration from the Planning Board and staff. More importantly, the whole development of the property rather than spinning it off to a private developer who will be motivated primarily by profit and would not be as concerned about the environment and would not be as concerned about high quality development. We want to put a mechanism in place and a plan in place to maintain high quality standards of development to maximize the return on the City's investment and the property value, which leads to higher assessed valuation from a tax base standpoint. I mentioned the three legs of the real estate market – corporate office parks. These are some developments in Manchester. There aren't too many sites like this left in the City so we need to plan for more. The Millyard has its charm but it also has its constraints in that the building floor plates are limited to a specific size and a specific bay width so there are columns in the space and while that works for some users it doesn't work for others. Elm Street, while it is an active market is another piece of the puzzle in that it is typically more urban space, high rise type office space, which attracts a different kind of user than a corporate office park. The development plan will be phased to meet market demand. Development needs to be able to be broken out so that as users appear the City can provide sites for those users and develop sites as the users appear instead of as I said having a tremendous investment sitting out there with no market for it. As I discussed earlier, one external constraint to development is access capacity and the potential schedule for Exit 7. We will just have to work with the State in terms of determining how flexible they can be with that. As I said, costs are incurred only as new revenue opportunities are created. The phasing in the plan is not necessarily for strictly phases in that I has to proceed II has to proceed III but more stages in that there are distinct development areas on the plan that are reasonably independent of one another and can be developed as I said as users materialize. In your package there is a development proformer and it indicates that as a result of this development the development costs can be spread out to occur in a large part when there is income available to fund those expenses. There would be some initial investment that would be required in the form of bond financing but our analysis shows that the revenues generated by this project, both in the form of land sales as well as tax revenue will more than pay for the development cost and servicing the bonds as well as servicing

other costs, marketing costs, management costs and municipal operating costs. The one big sort of slug of investment is this Year 7 investment, which represents the City's contribution to the new interchange as well as the development of that long piece of road out to Dunbarton Road. That represents about almost \$8 million in development but it opens up about 40 or 50 acres of developable land and allows for full development of the property. After that investment is paid off, the City would realize at current tax rates about \$2,400,000 or \$2,500,000 in tax revenue from the project at full development. It could be more than that depending on what tax rates are and what assessed valuations are. It could be a little bit less than that if, for example, there was more warehousing type uses but our analysis shows that the best use for this property would be the office R&D light manufacturing, relatively smaller floor plate type uses, not the large 400,000 square foot distribution facilities. Because of the site characteristics it really is more conducive to development of smaller floor plate buildings. That concludes my presentation. I would be happy to answer any questions that the Board may have.

Alderman Lopez stated I will try to be brief because I know this is going to go to Lands and Buildings but in reviewing this I noticed that you are about \$5 million less than you were in 2000 for the total project. Could you explain that to me? It would seem to me from all the other indications from people that have appeared before us that the expenses have going up instead of going down. Could you tell me how you went from \$25 million down to \$20 million?

Mr. Leedy responded there were a couple of factors in that. One was that working with staff we made a determination that the City would be better off selling essentially developed raw land pieces rather than doing extensive site or pad development as the development went forward. In other words, we didn't want to develop a large building pad without a specific user in mind and just have that land sit there and be vacant. So, that is a portion of it. There was a significant amount of earth work that was associated with development of the so-called pad sites that was in the original cost estimate that disappeared from this. There also was some reduction in unit prices. We took a closer look at some of the line items, particularly the paving items and some of the other utility type items and we keep a database that is associated with DOT bids on unit prices for typically used items in development and we used 2003 best available unit prices and in fact the cost of construction for road and utilities has actually gone down a bit over the last couple of years.

Alderman Lopez stated you mentioned in your letter \$870,000. I don't know if anybody can answer the question on economic development and how much money we have in that particular fund, that trust fund that we have.

Ms. Hills responded I believe that is in reference to the money that is set aside in the account that is left from the sale of the property to the Nature Conservancy.

Alderman Lopez stated I just want to ask Kevin or anybody who can answer the question on the documentation in reference to Hackett Hill when it was first...the agreement dated February 26, 1999, any proceeds goes into a trust fund with the City solely for the purpose of economic development. Would that hold true today with any agreement here moving forward?

Mr. Kevin Clougherty responded right. That is a similar approach to what we use for the Airpark. When we did the Airpark we did a similar arrangement and that is worked into all of the documents relating to that deal that were developed by the City's legal counsel and by the Housing Authority's legal counsel, Bill Craig. So that is a requirement that the proceeds go there and we are still benefiting from the Airpark fund that was structured that way so there is no reason to think that this couldn't act accordingly.

Alderman Lopez stated some people have said in developing this particular area that people from downtown would move up there and we would have empty buildings downtown. What would you say to that?

Mr. Leddy responded well I can't categorically say that that wouldn't happen but I will say that the real estate market in Manchester has shown...in downtown Manchester has shown extraordinary resilience because if you think back to what happened to downtown Manchester or to the State but to Manchester in particular in the early 1990's we lost all of our banks. As a result of losing all of our banks we lost probably easily 1/3 of our law firms in terms of space requirements. We lost a large insurance company that took up a huge amount of space up at AIG and yet the market has not shown extraordinary vacancies. I mean companies come to downtown Manchester because they want to be in downtown Manchester. They don't necessarily want to be out in a suburban kind of area. I would say that the competition for Hackett Hill would be more likely to be some of the more attractive corporate parks that might exist or be developed in Merrimack or in Bedford or those kinds of settings because those are really apples to apples and that is what we are competing with. So might there be some movement? There may be but I am confident that the downtown office market is different enough and is resilient enough to absorb any kind of...

Alderman Lopez interjected would you look at recreational type areas up in that area. I didn't see any type of recreational whatsoever in this Master Plan. Did I miss it?

Mr. Leddy responded well there is but I just didn't mention it. There is a portion of the plan that speaks to the creation of trails and integrating it with the preserve. There are some concerns that the Nature Conservancy will not draw too many people into that area because obviously it is very sensitive but the other opportunity that exists is to utilize the landfill property for recreational use as well because that would be a perfect spot up on the top there to develop ball fields or other kinds of uses that need large open space.

Alderman Thibault stated I have one question because I know this is going to be going to Lands and Buildings anyway but there is one little concern that I have especially knowing that Manchester Housing Authority is involved in this to some extent. I just want to be sure that any new development that happens up there that the City will reap the full blessing of taxes that might be developed in that area, not in lieu of taxes but regular normal property taxes. That is one concern that I really have.

Mr. Leddy responded the idea is to convey the properties that are developed to end users who would then pay taxes.

Alderman DeVries stated I am just trying to make a comparison between the Manchester Airpark project, the square footage on the building, transpose that over into Hackett Hill, which I understand is a very conceptual Master Plan. It appears that at Hackett Hill you are hoping to get larger users, building square footage in general than what actually was placed at Manchester Airpark and I was just wondering if that was based on a consensus that the market has changed or is there going to be something different? Is it just geometry of the plan that allows that to occur?

Mr. Leddy responded I think again that the uses that we are going to find are interested in locating at Hackett Hill are going to be different than those down at the Airpark. At the Airpark people want to pay a premium for being near an Airport because they have some relationship to needing air cargo or they are handling materials that need to come in and out or whatever. With the exception of the very large distribution center type uses, those tend to be smaller uses and more oriented toward at least some element of warehouse and distribution. The idea at Hackett Hill is that they are going to be more office R&D type uses and the buildings that we have shown on the plans, although they are very conceptual, the buildings themselves are say between 50,000 and 75,000 square feet and they could be grouped together in a campus type setting. That is just one opportunity. There are many ways that the site could be developed and we may find that someone may want to develop at least a portion of the site into smaller buildings that might attract a smaller business.

Alderman DeVries asked so you are saying that it would be R&D research and development, but not necessarily manufacturing.

Mr. Leddy answered well manufacturing is a part of the mix but it is not going to be...it would be more conducive to sort of high tech or bio tech type manufacturing rather than making widgets or some large building that cranks out a lot of product. The site itself is just not conducive to a very large single floor building.

Alderman Shea stated is it my understanding that a club is going into where French Hall was. Is that correct or incorrect? I thought someone made a payment on that or a proposal.

Ms. Hills responded you are correct that there was a purchase and sales agreement signed with the Workout Club and Wellness Center for French Hall. We just recently learned yesterday that they were not able to get financing so that property will be going back on the market.

Alderman Shea stated I know that we talk about all of these situations but when do we hope that all of this would start to materialize. Are we talking within a few months or a year? I know that you presented this but...

Mr. Leddy responded we have a process that we need to go through. We need to go to Lands and Buildings. We need to get the project, the plan adopted by the City. The zoning has been adopted to enable this kind of development and MHRA has a process that they will need to go through to get the right documents put in place and the right development or management infrastructure put in place to enable the development. Then it is a matter of what the market looks like and part of the reason we are back here tonight is the market seems to be picking up.

Alderman Forest stated with due respect to all of my colleagues, I guess the group that is here is presenting their Master Plan and doing their presentation. I guess what they are asking us to do is refer this to the Committee on Lands and Buildings where we can iron out all of these concerns. They are just here to give us a general presentation on what could go out there and what we may allow to go out there and I think what we have to do is let them do that presentation and then move to refer this to Lands and Buildings.

On motion of Alderman Forest, duly seconded by Alderman Thibault it was voted to refer this item to the Committee on Lands and Buildings.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. Authorizing execution of a Use and Occupancy Agreement between the Manchester Water Works and State of New Hampshire, Department of Transportation, subject to the review and approval of the City Solicitor. (Unanimous approval received on December 5, 2003.)

Pole Petitions – Subject to the Review and Approval of the Department of Highways

- C. Verizon Pole Petitions two (2) each located on Faltin Drive and Karatzas Avenue; and
Verizon Pole Petitions four (4) located on Bicentennial Drive.

Informational – to be Received and Filed

- D.** Copies of minutes of the MTA Commission meeting held on October 28, 2003 and the Financial and Ridership Reports for the month of October 2003.
- E.** Communication from the State of NH, Department of Transportation, advising that a survey crew will be in the vicinity of little Cohas Marsh periodically over the next 12 months in conjunction with a wetland mitigation project for the Manchester Airport Access Road project.
- F.** Copy of a communication from the Plan NH Charrette Committee advising of design assistance for New Hampshire projects.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

G. Resolutions:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000.00) for the FY2004 CIP 810804 VISTA Coordinator Project.”

“Amending the FY 2000 and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for FY2004 CIP 713104 Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Dollars (\$15,000) for the 2004 CIP 713104, Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Twenty Four Thousand Dollars (\$24,000) from Contingency to Human Resources.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- H.** Recommending that \$15,000 in bond funds be transferred from the 2000 Riverwalk Project to the 2004 Junior Deb Softball Field Sewer Expansion Project; and for such purpose an amending resolution and budget authorizations have been submitted.
- I.** Recommending that \$25,000 in federal funds be utilized for the VISTA Coordinator Project; and for such purpose an amending resolution and budget authorizations has been submitted.
- J.** Recommending that a request for project extensions as enclosed herein be granted and approved.
- L.** Advising that it has review the Athletic Facilities Master Plan for the Clem Lemire Sports Complex – Memorial High School, and recommends that the Board of Mayor and Aldermen conceptually approve this master plan, and approve the modified Phase I project at an anticipated cost of \$5.5 million.

- M.** Recommending that a petition to discontinue a portion of South Bedford Street be referred to a Road Hearing on January 13, 2004 at 5:30 PM in the Aldermanic Chambers.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- P.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN LOPEZ, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Copies of minutes of meetings held on November 18, 2003 (two meetings) and December 2, 2003 (two meetings).

Deputy Clerk Johnson stated the Clerk requested that this item be removed because you actually did not receive the December 2 meeting minutes so we would ask you to accept the November 18, 2003 minutes only.

On motion of Alderman O'Neil, duly seconded by Alderman Wihby it was voted to accept the BMA minutes of November 18, 2003.

Report of the Committee on Community Improvement recommending that the Highway Department be authorized to proceed with legal work relating to title searches and other administrative preparation to enable the acceptance of the currently unpaved portion of Mission Avenue.

The Committee has requested the Finance Officer to provide the Board of Mayor and Aldermen a source of funding for such project at a cost of \$5,000.00 at the December 16, 2003 meeting of the Board of Mayor and Aldermen.

The Committee further recommends that a letter be sent to the Zoning Board of Adjustment advising of the history of how variances issued in earlier years have resulted in an anticipated costs in excess of \$60,000 to the City to properly accept and construct a roadway for the residents of this area. The Committee hopes that the current Zoning Board of Adjustment will take such matters into consideration when deliberating on matters pending before them which may impact the City in later years.

Deputy Clerk Johnson stated the Clerk requested that this item be removed because we actually have a Resolution that was distributed to the Board authorizing a \$5,000 transfer from contingency. We would ask that the report be accepted and the Resolution be referred to the Committee on Finance.

On motion of Alderman Pinard, duly seconded by Alderman Guinta it was voted to accept the report of the Committee on Human Resources/Insurance and to refer the Resolution to the Committee on Finance.

Report of the Committee on Human Resources recommending that the Board approve amending seven Traffic Department class specifications, and for such purpose Ordinance:

“Amending Section 33.026 (Traffic Maintenance Supervisor, Traffic Maintenance Worker I, Traffic Maintenance Worker II, Traffic Sign Painter, Traffic Signals Supervisor, & Traffic Signals Technician) of the Code of Ordinances of the City of Manchester.”

is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review. The Committee notes that such changes will not affect changes to any salary grades.

Alderman Wihby stated this is a change of a class specification adding hazardous waste. It says it is going to Bills on Second Reading. Can we just okay it now rather than send it to Bills on Second Reading since it has already passed Human Resources?

On motion of Alderman Wihby, duly seconded by Alderman O'Neil it was voted to suspend the rules and place the Ordinance on its third and final reading without referral to the Committee on Bills on Second Reading or Accounts, Enrollment and Revenue Administration.

On motion of Alderman Wihby, duly seconded by Alderman Forest it was voted to read the Ordinance by title only and it was so done.

“Amending Section 33.026 (Traffic Maintenance Supervisor, Traffic Maintenance Worker I, Traffic Maintenance Worker II, Traffic Sign Painter, Traffic Signals Supervisor, & Traffic Signals Technician) of the Code of Ordinances of the City of Manchester.”

The Ordinance having had its third and final reading by title only, on motion of Alderman DeVries, duly seconded by Alderman Thibault it was Ordained.

Report of the Committee on Traffic/Public Safety recommending that the current Parking Garage Operating Agreement Amendment between the City of Manchester and JPA III Management Company, Inc. be extended through March 3, 2004.

Alderman Gatsas stated I guess my question is we are back to parking garages and parking agreements and I guess my question is how does this relate to the one that was supposed to go out to an RFP.

Alderman Guinta responded to be short and sweet it doesn't. This is in reference to the agreement between the City and the Center of New Hampshire in terms of the payment situation. We have not come to terms with a new agreement so we have extended the current agreement to allow the parties to continue to communicate.

Alderman Gatsas asked is this a gross agreement or is it a net agreement. What I mean by that is are we at risk on a continual basis as we are with the other agreement if wages go up?

Deputy Solicitor Arnold stated in short yes I believe it is a net agreement. What this basically is is under the original development agreement for the Center of New Hampshire, the Center retained the right to operate the garage. This is an operating agreement. They do have employees over there which are taken into account and expenses that are essentially paid by the City hopefully from revenues on the garage.

Alderman Guinta moved to accept the report of the Committee on Traffic/Public Safety. Alderman Pinard duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines stated I am going to take Item 17 a little early so Commissioner Martineau doesn't have to hang around.

Communication from Paul Martineau, Welfare Commissioner, seeking adoption of the revisions and additions to the Welfare Guidelines per RSA 165:1(II).

Commissioner Paul Martineau stated basically this is just some amendments that have been added to the guidelines. This is like any document. When you work with guidelines I feel as though you need to make a few additions and changes. There is nothing major.

On motion of Alderman Wihby, duly seconded by Alderman O'Neil it was voted to adopt the revisions and additions to the Welfare Guidelines per RSA 165:1(II).

Mayor Baines stated at this time I am going to ask the Board to move into non-public session for the discussion of personnel matters covered under RSA 91-A:2(b) to discuss the hiring of a public employee. I am going to take that motion and also in reference to Item 14...is that covered under that or would that be a separate...

Deputy Clerk Johnson interjected it is a different RSA your Honor.

Mayor Baines asked do we need to take separate action on both of those.

Deputy Clerk Johnson answered yes.

Mayor Baines called for a roll call vote to enter into non-public session pursuant to RSA 91-A:2(b). Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest voted yea. The motion carried.

Mayor Baines asked what would we need for Item 14, Mr. Arnold.

Communication from Kevin Dillon, Airport Director, seeking authorization to negotiate and execute the purchase and sale agreement related to the acquisition of the Meggitt Vibro-meter leasehold subject to FAA approval.

Deputy Solicitor Arnold stated it would be to discuss information related to the acquisition of the Meggitt Vibro-meter site and that would be under RSA 91-A:3(II)d.

Alderman Wihby moved to enter into non-public session pursuant to RSA 91-A:3(II)d.

Alderman DeVries duly seconded the motion. A roll call vote was taken. Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Smith, Thibault, and Forest voted yea.

Mayor Baines called the meeting back to order. I do have a nomination to put before the Board this evening. I am nominating Martin Boldin to succeed Regis Lemaire as the Director of the Office of Youth Services. I will state again that I believe he is the best qualified person to fill this very important position for the City of Manchester. He has been subjected to a very extensive screening process. The first process involved interviews with Chief John Jaskolka from the Manchester Police Department, Health Director Fred Rusczyk and District Court Judge John Emery. That Committee selected him as the top candidate for the position. In addition, there were follow-up interviews with the Committee on Human Resources in which Aldermen Lopez, DeVries, Shea and Sysyn participated. Again, this candidate rose to the top. I followed it up with some additional conversations with the candidate and I am enthusiastically nominating this gentleman for the position. Marty, could you please stand to be recognized? I know your wife and kids were here earlier and I would ask for a vote of confirmation at this time.

Alderman Shea moved to confirm the nomination of Martin Boldin to succeed Regis Lemaire as the Director of the Office of Youth Services. Alderman DeVries duly seconded the motion. A roll call vote was taken. Aldermen Lopez, Shea, DeVries, Thibault, and Forest voted yea. Aldermen Smith, Gatsas, Guinta, Sysyn, Osborne, Pinard and O'Neil voted nay. Alderman Wihby abstained. The motion failed.

Mayor Baines called for a five-minute recess.

Mayor Baines called the meeting back to order.

Mayor Baines stated I needed a couple of minutes to apologize to Marty for bringing him through a very professional process and having it end this way. I apologize publicly to you. I will also announce that I plan to resubmit his name at the next regular meeting of the Board of Mayor and Aldermen and at every subsequent meeting as well.

Planning Board – resignation and nomination

Mayor Baines advised Steve Freeman has submitted his resignation from the Planning Board. He has served as a dual member of both Boards and he is submitting his resignation so I would like a motion to accept it at this time.

On motion of Alderman Lopez, duly seconded by Alderman Thibault it was voted to accept the resignation of Steve Freeman from the Planning Board with regrets.

Mayor Baines stated I am appointing Ray Clement to fill the unexpired term of Steve Freeman, term to expire May 1, 2004. Again, Ray was a member of the Planning Board and his now going to serve in that dual capacity.

On motion of Alderman Thibault, duly seconded by Alderman DeVries, it was unanimously voted to suspend the rules and confirm the nomination of Ray Clement to the Planning Board, term to expire May 1, 2004.

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000.00) for the FY2004 CIP 810804 VISTA Coordinator Project.”

“Amending the FY 2000 and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for FY2004 CIP 713104 Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Five Thousand Dollars (\$5,000.00) from Contingency to City Solicitor Incidentals.”

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Dollars (\$15,000) for the 2004 CIP 713104, Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Twenty Four Thousand Dollars (\$24,000) from Contingency to Human Resources.”

ought to pass and be Enrolled.

On motion of Alderman DeVries, duly seconded by Alderman Forest, it was voted to accept the report of the Committee.

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to B-2 (General Business) by extending the B-2 zone district to the center line of Huse Road and Merrill Road, including parcels identified as TM 666, Lots 2B, 6, 6A, 7, 8, 9 & 9A.”

On motion of Alderman Pinard, duly seconded by Alderman Forest it was voted to read the Ordinance by title only, and it was so done.

This Ordinance having had its second reading by title only, Alderman Forest moved on passing same to be Enrolled. Alderman Pinard duly seconded the motion. Mayor Baines requested a roll call vote. Aldermen Wihby, Sysyn, Pinard, O’Neil, Lopez, Smith, Thibault and Forest voted yea. Aldermen Gatsas, Guinta, Osborne, Shea, and DeVries voted nay. The motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to B-2 (General Business) by extending the B-2 zone district to the center line of Huse Road and Merrill Road, including parcels identified as TM 666, Lots 2B, 6, 6A, 7, 8, 9 & 9A.”

was properly enrolled.

Alderman Forest moved to accept the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Lopez duly seconded the motion. Mayor Baines requested a roll call vote. Aldermen Wihby, Sysyn, Pinard, O’Neil, Lopez, Smith, Thibault and Forest voted yea. Aldermen Gatsas, Guinta, Osborne, Shea, and DeVries voted nay. The motion carried.

Communication from Alderman O’Neil seeking consideration of the use of funding from the City’s “one time revenue account” to help complete the construction of the senior center and exploration of the costs associated with the new kitchen at the senior center to accommodate the Meals on Wheels Program.

Alderman O'Neil stated I made my point in writing the letter and I understand there are a lot of good efforts going on in the background and I certainly don’t want to hinder the efforts so I will move to receive and file.

Alderman Lopez duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman O'Neil stated I would just ask that we keep it on the radar screen in case anything goes the other way.

Mayor Baines responded the fundraising is going extremely well. We have another big announcement, a very significant announcement coming next week and we are going to continue that momentum. There is a lot of excitement building and Atty. Nixon and the others involved in this are doing a great job.

On motion of Alderman Wihby, duly seconded by Alderman Thibault, it was voted to table this item.

Communication from Frank Thomas, Public Works Director, requesting the Board grant a release and hold harmless to Downtown Visions/6 to 4 to 3 for use of the Rubenstein Lot as a car impoundment area.

Alderman Forest moved to grant a release and hold harmless to Downtown Visions/6 to 4 to 3 the use of the Rubenstein Lot as a car impoundment area subject to the review and approval of the City Solicitor. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated this is something that we need to come up with a long-term solution here and not kind of every year...well not every year but we have been down at Rubenstein for a little while and we need to come up with...this is a major issue and we need to come up with a permanent solution and hopefully it is something that staff can work on.

Alderman Guinta asked is there any kind of fiscal impact regarding this vote or is there an expectation to the best of anyone's knowledge of any kind of fiscal impact.

Mayor Baines replied the answer is no.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Frank Thomas, Public Works Director, advising of a project budget shortfall of \$273,319 in FY '04 in line item #0228 (City Contributory Retirement System).

Mr. Clougherty stated Mayor as you know the budget that was adopted envisioned that towards the end of the year we would be making adjustments to accommodate for the...I think it was about an \$870,000 retirement item. The departments have been notified of that. We discussed this this evening in the Committee on Accounts. Our advice is to wait until you have the December financial statements. You are halfway through the year. The budget

is tracking well. It looks like we will be able to make some recommendations on where the funds should come from but we ask for the patience of the Board until the first of the year.

Mayor Baines stated as you recall when we adopted the budget this issue was pointed out that there was an increase and the Aldermen made a decision not to fund that during the final adoption of the budget.

Alderman Shea asked would a motion be in order to table this.

Mayor Baines responded we should refer it back to the Committee on Accounts.

On motion of Alderman Shea, duly seconded by Alderman Wihby, it was voted to refer this item back to the Committee on Accounts, Enrollment & Revenue Administration.

Mayor Baines advises that a motion is in order that all matters pending before the present Board of Mayor and Aldermen and its Committees as of January 6, 2004 be referred to the next Board of Mayor and Aldermen, and further that all Special Committees shall continue as presently constituted.

Alderman O'Neil moved to approve the request. Alderman Forest duly seconded the motion.

Alderman Shea moved to have the Special Committees be dissolved until such time as a new Chairman of the Board, whether it be the present Chairman or another one, be allowed to make the assignments to Special Committees.

Alderman Lopez duly seconded the motion.

Alderman O'Neil asked if something comes up in the meantime what happens. There is no way to act on it if we pass this amendment. Is that what happens?

Deputy Clerk Johnson stated if he just changes the language perhaps to say until a new Chairman appoints members of the Committees then the Committees would stay as constituted until the new Chairman is named.

Mayor Baines stated under the rules of the Board the Chairman only appoints the Chairmen of the Special Committees and then the Chairman of the Special Committee appoints the members.

Alderman O'Neil asked is that what Alderman Shea's amendment is. What Carol said?

Alderman Shea responded my amendment is that if a new Chairman takes over that Chairman would be in charge of appointing people to Special Committees.

Mayor Baines replied just to clarify the Chairman of the Board does not appoint members to Special Committees. He appoints the Chairmen of the Special Committees.

Alderman Wihby stated I am not going to be here but I would like a clarification. So the Special Committees go until the next Board meets. Once the next Board meets and picks a Chairman then that Chairman will then make the Committees up again.

Mayor Baines stated appoint the Chairmen.

Mayor Baines called for a vote on the amendment. There being none opposed, the amendment carried.

Mayor Baines called for a vote on the main motion as amended. There being none opposed, the motion carried.

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to B-2 (General Business) by extending the B-2 zone district to the center line of Huse Road and Merrill Road, including parcels identified as TM 666, Lots 2B, 6, 6A, 7, 8, 9 & 9A.”

This Ordinance having had its final reading by title only, Alderman Forest moved on passing same to be Ordained. Alderman Sysyn duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Shea, DeVries, Gatsas, Guinta and Osborne being duly recorded in opposition.

Resolutions:

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000.00) for the FY2004 CIP 810804 VISTA Coordinator Project.”

“Amending the FY 2000 and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Fifteen Thousand Dollars (\$15,000) for FY2004 CIP 713104 Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Five Thousand Dollars (\$5,000.00) from Contingency to City Solicitor Incidentals.”

“Authorizing the Finance Officer to effect a transfer of Fifteen Thousand Dollars (\$15,000) for the 2004 CIP 713104, Junior Deb Softball Field Sewer Expansion Project.”

“Authorizing the Finance Officer to effect a transfer of Twenty Four Thousand Dollars (\$24,000) from Contingency to Human Resources.”

On motion of Alderman Sysyn, duly seconded by Alderman DeVries it was voted that the Resolutions ought to pass and be enrolled.

Alderman Smith stated I would just like to ask my colleague to my left...she asked for an extension for a month on Item 22 and I wondered what the situation was now.

Alderman DeVries stated certainly I could advise you. We did have a meeting between the Queen City Trail Alliance, Parks & Recreation and myself yesterday to discuss the ongoing creation of the trail, which runs parallel to South Willow Street and the possibility that that could still occur over the winter. There is still some possibility that that could happen according to the site work contractor. We have asked to leave it tabled and we will make that decision within the next few weeks and get back to the Board in the beginning of January.

TABLED ITEMS

- 21.** Request for discontinuance of a portion of Millstone Avenue.
(Tabled 08/04/2003 at road hearing pending report from City Solicitor.)

On motion of Alderman Wihby, duly seconded by Alderman DeVries, it was voted to remove this item from the table.

Deputy Solicitor Arnold stated if I may the Board may recall at the road hearing down at Millstone Avenue Atty. Lazos who at that time was representing Waterford Place LLC asked that a vote not be taken until he had an easement in place. He has since informed me that that easement is now in place and consequently the Board can go forward and vote on whether to discontinue Millstone Avenue or I should say that portion of Millstone Avenue dealt with in the petition to discontinue.

On motion of Alderman Wihby, duly seconded by Alderman Forest it was voted to discontinue a portion of Millstone Avenue as petitioned reserving any and all utility easements.

- 22.** Report of the Committee on Community Improvement recommending that the Board authorize transfer and expenditure of funds in the amount of \$40,000 (Other) for CIP 511603 Recreation Facility Improvements (Leveraged) Project.
(Tabled 12/02/2003 per request of Alderman DeVries.)

This item remained on the table.

NEW BUSINESS

Mayor Baines stated there was a motion for reconsideration that the Clerk neglected to put on the agenda. The Clerk will advise the Chair.

Deputy Clerk Johnson responded the Clerk omitted from the agenda an item that was a notice for reconsideration by Alderman Gatsas at the last meeting regarding a communication from Mr. Clougherty. Referral to Committee was the vote of the Board and it was taken up by the Special Committee on Baseball this evening. We just wanted to note that there was a notice for reconsideration.

Alderman Gatsas replied it was taken up your Honor. Thank you.

Deputy Clerk Johnson stated there were a few items of new business that were distributed to the Board. There are three easements being submitted by the Conservation Commission and they requested that we bring them forward this evening because one of the donors is particularly anxious to see that it is accepted. We would look for a motion by the Board to approve the acceptance of the easements.

On motion of Alderman DeVries, duly seconded by Alderman O'Neil it was voted to approve the acceptance of the easements submitted by the Conservation Commission.

A report of the Special Committee to Review Energy Contracts and Related projects was presented respectfully recommending, after due and careful consideration, that the City Solicitor make one more official attempt, either in person or by e-mail to get the \$200,000 owed by TRC Power, LLC in accordance with the Memorandum of Understanding within 30 days; and further that if the end result is that they are not going to pay the City then the City Solicitor be authorized to proceed with legal action.

Alderman Lopez moved to approve the report. Alderman Shea duly seconded the motion.

Alderman DeVries stated I was just wondering if I could hear from and I don't know who is here to address it, possibly Bill Jabjiniak or the Solicitor, my understanding the last time we heard from TRC Power was that particular agreement was contingent upon them finding a location and there seemed to be a gray area as to whether we could hold them liable for the initial \$100,000. I don't know who would have feedback for me on that. Has that been defined?

Deputy Solicitor Arnold responded the Solicitor's Office has certainly taken a look at it. We are of the opinion that in return for the exclusivity that they do owe the exclusivity fee of which they have paid \$50,000 and \$200,000 remains.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Deputy Clerk Johnson stated the next item we have is a proposed purchase and sales agreement being submitted for the Old Wellington Road property. If the Board so desired the motion would be to authorize execution of the purchase and sales agreement under the review and approval of the City Solicitor.

Alderman Pinard moved to approve the execution of the purchase and sales agreement under the review and approval of the City Solicitor. Alderman Sysyn duly seconded the motion.

Alderman Lopez stated I was curious about Item 11.04. I don't know of any City practices or procedures for taxation other than the State laws and I was wondering if that could be amended somehow.

Deputy Solicitor Arnold responded the reason for that provision, Alderman, is under State law the taxability of a certain parcel is determined as of April 1 of the tax year. Consequently, if this parcel remained in City ownership as of April 1, 2004 it would not be taxable. This provision is merely to confirm that the buyer will pay real estate taxes prorated as of the date of closing.

Alderman Lopez replied that is my particular point because like I said there are no practices or procedures and we are saying practice and procedures. I would be more comfortable if there was something along the line that the buyer agrees to make a payment in lieu of taxes prorated from the date of closing through March 31, 2005 at an amount determined by the assessed value of the land times the tax rate for tax year 2004. He is going to have seven months there. I think we are saying the same thing but I just don't know of any practices the City has versus State law.

Deputy Solicitor Arnold responded I would of course have to speak to the counselor who negotiated on the other side, however, I don't think since it does accomplish the same end that it would cause a problem. As I said obviously I would have to speak to counsel on the other side.

Alderman Lopez stated I called Dick Anagnost and he is under the impression that he is going to pay taxes in lieu of taxes that he is going to pay. I discussed this with him about the seven months. I would feel more comfortable if we put it into words that we understand because I just don't understand where the practices are when it comes to taxation.

Mr. Dick Anagnost stated it is to the same ends and we would accept that language.

Mayor Baines called for a vote on the motion to approve the execution of the purchase and sales agreement under the review and approval of the City Solicitor. The motion carried with Aldermen Shea and Osborne duly recorded in opposition.

A report of the Special Committee on Baseball and Riverfront Development was presented recommending that the Board authorize the Destination Manchester Coordinator to obtain a second appraisal for the Riverfront Development parcel at a cost not to exceed \$7,300. The Committee further recommends that up to \$7,300 be transferred from Contingency to cover such expenditure.

Alderman Wihby moved to accept the report. Alderman Forest duly seconded the motion.

Alderman O'Neil asked could we get Mr. Jabjiniak to come forward. We took this up very quickly at the end of the Baseball/Riverfront meeting this evening and I don't think we had a lot of time to think about...there were certainly pros with this but any cons. Bill, is there any possibility that a second...I know Alderman Lopez brought up the possibility of arbitration if that is the correct term. Is there any possibility that a second appraisal could get us into some trouble in that arbitration process?

Mr. William Jabjiniak stated anything is certainly possible when you have two different numbers, especially if there is a wide variation between those two numbers. The agreement was very clear on how we are to go out and obtain a value. I think Tom you have that language and you can certainly jump in here but if they don't agree with our number they are going to turn around and go to arbitration and if you have two different numbers certainly they are going to both enter into play and are you going to end up in the same spot or are you going to end up going into a court of law. It is hard to judge but it certainly makes it confusing.

Alderman O'Neil asked will both parties be in similar position then depending on which way it goes.

Mr. Jabjiniak answered I would think so.

Alderman O'Neil stated and the firm that has been selected we have used before in the City of Manchester and have been satisfied with their work.

Mr. Jabjiniak replied the firm that was selected for the first appraisal, yes. They are certainly an outstanding firm here in the City.

Alderman O'Neil asked and we have used them before.

Mr. Jabjiniak answered yes we have.

Alderman O'Neil stated I wish we would have had a little bit more time to talk about this second appraisal. I wish we weren't making a decision on it tonight to be honest with you. It was a last minute item with about five minutes to go before we had a public hearing this evening.

Alderman Shea asked could you enlighten me as to why we are getting a second appraisal. I am not on that Committee and I wasn't at that meeting.

Mr. Jabjiniak answered the Aldermen had suggested that we go out and get a second appraisal to determine value. A lot of times you go out and you get an appraisal and then you have a review appraisal. He has asked for a second appraisal...

Alderman Shea interjected on what.

Mr. Jabjiniak replied all of the acreage on the Riverfront except for the baseball stadium. Just to go back a little further the developer has exercised their ability to go ahead with the purchase option if you will and part of that process is for us to go out and get an appraisal to determine value. That is where we are going and the second request has come in through the Baseball Committee.

Alderman Shea responded so in other words what we want is a second appraisal concerning the worth of the property at the Riverfront. Is that correct?

Mr. Jabjiniak replied excluding the baseball site.

Alderman Shea stated excluding the stadium itself and there are two different opinions about how much the value of the land is worth is that what you are saying or is there one or there might be two or...

Mr. Jabjiniak replied we don't have those opinions back yet. All that is being discussed now is should we go with one appraiser or should we go out and get a second opinion of value or a second appraisal.

Alderman Shea asked so we haven't gotten any appraisal yet then.

Mr. Jabjiniak answered the first one just started and I have a proposal for a second one and if the Board so desires I can go out and get the second one. I just need some funding allocation.

Alderman Shea asked it is kind of like getting two opinions right like when you go to one doctor and then to the next doctor. Is that what we are doing?

Mr. Jabjiniak answered yes.

Alderman Wihby asked are we talking about the vote that we took a long time ago when we said get two quotes.

Mr. Jabjiniak answered yes.

Alderman Wihby asked didn't we also say they were going to pay for them. Aren't they paying for the first quote?

Mr. Jabjiniak answered they did pay for the first one.

Alderman Wihby stated and I thought we said make them pay for the second quote.

Mr. Jabjiniak stated well it would certainly be great if they would volunteer to pay for it but they haven't volunteered to pay another \$7,300.

Alderman Wihby asked since the Committee voted three months ago to get a second opinion why hasn't the second one started the same time as the first one.

Mr. Jabjiniak answered well first of all I need funding and the other thing is we just received a check from the developer to go forward with the first appraisal.

Alderman Wihby asked so the first one is just starting too and now we are going to try to start the second one.

Mr. Jabjiniak answered yes.

Alderman Gatsas asked, Bill, if we sell this property and they don't develop it what happens.

Mr. Jabjiniak answered I don't have the agreement in front of me and I will certainly defer to legal counsel here but I am pretty sure that there is a caveat that we are not going to go ahead and sell unless we have some form of development started but I know for example the condominium developer wants to go ahead and purchase has parcel. It would certainly make it easier for him to develop the parcel but I don't have a specific answer to your question.

Mayor Baines asked, Tom, do you have any personal knowledge of that at this point.

Deputy Solicitor Arnold answered certainly I have reviewed the process and the Master Lease, which provides for the option to purchase. It in my opinion does have a number of qualifications in it that will be included in the purchase and sale and the negotiations to sell the property or I should say the negotiations over the developer's right to purchase.

Mayor Baines asked can we get some additional information and get back to the Board on that.

Alderman Gatsas stated the reason I questioned that is because obviously we heard four or five months ago that there was going to be shovels in the ground for the hotel. My concern

is that if there are no shovels in the ground and we transfer something on an appraisal and nothing happens...

Mayor Baines interjected we wouldn't be selling it until after we had an appraisal and until we have dealt with all of the documents related to the sale. I think that is what the City Solicitor has indicated.

Deputy Solicitor Arnold stated I think the staff understands that we certainly don't want to be in a position where the developer is landbanking this land.

Alderman O'Neil asked for a second opinion is that something that the Assessor's Office can help out with.

Mayor Baines stated it has to be an independent appraisal doesn't it.

Mr. Jabjiniak stated the Assessor's Office can assist with obtaining the proposal. I already have the second proposal in hand but they are looking for an actual appraisal, not an assessment.

Alderman Smith asked how long will it take to get the two appraisals done.

Mr. Jabjiniak answered 6-8 weeks.

Alderman Smith replied so you are talking March now right.

Mr. Jabjiniak responded no I think we are looking at early February.

Alderman Osborne asked what if the new appraisal comes in lower than the first.

Mr. Jabjiniak answered again that is part of the hazard of having two appraisals out there but that gives us something to think about as a City to go ahead and sell.

Alderman Lopez asked could you just go over what is being appraised and if it is before or after the zoning. Could you explain that please?

Mr. Jabjiniak answered basically the appraisal will be for a parcel or parcels of land as it exists today in its contaminated state, in its current zoning, which is Central Business District. It has been changed from RDV or redevelopment to Central Business District, which is a lot more flexible so it is a snapshot in time of what it is today.

Mayor Baines stated the Deputy City Solicitor wants to weigh in with an opinion.

Deputy Solicitor Arnold stated obviously since the City is obtaining these two appraisals we certainly have some latitude as to whether a particular number or an appraisal will be released or not. However, I could also point to the process that is used at the Airport when they acquire property using Federal funds. They get an appraisal and in lieu of getting a second appraisal or I should say instead of getting a second appraisal they hire an appraiser to review the first appraisal to make sure that it meets standards, which is an alternative that the Board could certainly consider.

Alderman O'Neil stated that is an interesting comment. I think anything we can do to speed up this process and protect the City at the same time is the direction we should be going in. Could we just hear from the Airport Director? Has that been a successful process using that technique?

Mr. Dillon answered the City Solicitor is certainly correct that that is the appraisal method that we use. It has been successful at the Airport and has saved us a lot of time and avoids conflicts that can arise when you get the second appraisal.

Alderman DeVries asked, Kevin, can you tell us if that is substantially cheaper than doing a full second appraisal.

Mr. Dillon answered it is cheaper. I wouldn't say substantially cheaper.

Alderman DeVries stated nothing is substantially cheaper.

Alderman O'Neil moved to amend the motion and use the process that is used down at the Airport. Alderman DeVries duly seconded the motion. Mayor Baines called for a vote. The motion carried with Aldermen Wihby, Guinta, Osborne, and Lopez duly recorded in opposition.

Deputy Clerk Johnson stated the motion would be to accept the report with the amendment.

Alderman O'Neil moved to accept the report with the amendment. Alderman Forest duly seconded the motion. The motion carried with Aldermen Wihby, Guinta, Osborne and Lopez duly recorded in opposition. Mayor Baines vetoed the action.

Alderman Wihby moved to accept the report of the Special Committee on Baseball/Riverfront Development. Alderman Guinta duly seconded the motion. Mayor Baines called for a vote. A roll call vote was requested. Aldermen Wihby, Guinta, Sysyn, and Lopez voted yea. Aldermen Gatsas, Osborne, Pinard, O'Neil, Shea, DeVries, Smith, Thibault and Forest voted nay. The motion failed.

Mayor Baines stated I believe something needs to be done so I would be willing to entertain that amendment again.

Alderman O'Neil moved to amend the Special Committee on Baseball/Riverfront Development report to reflect the usage of the process at the Airport with regards to hiring an appraiser to review the appraisal received, and to accept the report with this amendment. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. The motion carried.

A report of the Special Committee on Baseball/Riverfront Development was presented recommending that the Public Works Director be authorized to proceed with expenditures not to exceed \$850,000 for additional work for the Gill Stadium project as outlined. The Committee notes that expenditures relating to the elevator are to be researched by the City Solicitor, and if such expenditures should be covered under the terms of any agreements, the City will seek reimbursement for such expenditures. The Finance Officer has advised the Committee that funding could be made available from bond balances, the one time revenue fund or some combination thereof and has been requested to provide the Board of Mayor and Aldermen with appropriate resolutions at the first meeting of the Board in January.

Alderman O'Neil moved to approve the report. Alderman Forest duly seconded the motion.

Alderman Guinta stated I did vote against this in Committee. There is a specific concern I had with the payment of the elevator and I referenced the June 3 proposal that was proposed to the Committee and I believe that Alderman Smith also had some additional supporting documentation that suggested that the payment of the elevator would not actually rest with the City but may rest with another party and we or at least I would argue that we should receive some sort of report from the Solicitor or some sort of opinion. The Solicitor couldn't do it at the time but suggested that one would be forthcoming. I don't know if it would be reasonable to go forward at this point but I would be curious to know what your position on that would be.

Mayor Baines stated I would support the Committee's recommendation because part of the recommendation is for the City Solicitor to research that and we need to move forward anyway to keep the project on schedule. I think that is very important and I support the Committee's recommendation. We will have the Solicitor get right on that.

Alderman Osborne asked where is this money coming from.

Mayor Baines stated the City Finance Officer, I think, advised the Committee and it is in the report. It says it will be a combination of fund balances and money from the special reserve account. He is going to prepare resolutions for the next meeting for the Board's consideration.

Alderman Gatsas stated it troubles me that we are looking at a project now that when we first started we were talking about renovations at Gill Stadium at \$3.1 million. We are now at \$4 million and as everybody has said we don't have a class...we don't have a 100% Class 1 facility with all consideration. I think if we went in and took the \$3.1 million to renovate Gill Stadium it would have included the elevator. It would have included the locker rooms. It would have included the paving and those wouldn't have been add-ons and it would have been part of that \$3.1 million of bonding that this Board approved. I think it was back probably four years ago when the project at West Memorial was completed and the Board had agreed that the next project to be done would have been Gill Stadium. I think these things would have been done within that \$3.1 million your Honor if it was totally City controlled from the beginning but when you start looking at some of the overruns that they have talked about and equipment that they are buying and other issues that Mr. Thomas has to so diligently go through a series of explorations on numbers that are being presented to him, I think it is important that we understand that this is taxpayer's money and I don't think anybody bought into an additional \$900,000 of taxpayer's money being spent on this project. I certainly am not here to tell you that it is not in the best interest but I have a difficult time taking a vote on something when on June 3 along with the minutes that were provided to me by the Clerk's Office nowhere in there did it not reference the elevator. It referenced it three times in the minutes of the meeting, once by Mr. Jabjiniak and then three other times in the schedule of the project that was going to be done. When it talked about masonry for the elevator and installation of the elevator, I think it was pretty clear that this Board was voting that the elevator was part of that package. So again I don't think it behooves us to be rushing into this and maybe we need an answer from the City Solicitor and maybe this should sit on the table until we get that answer.

Alderman O'Neil stated first of all and I said this in the Committee it is my belief that the elevator was never part of the original and there is going to be a difference of opinion on that. That is my belief. It wasn't until some time later when we got a ruling from Leon LaFreniere that the elevator had to be done to meet ADA requirements. To say that we could have done this on our own keeping in mind that the developers are putting in \$1 million towards the improvements at Gill and correct me if I am wrong and I may be wrong but they are paying the debt service on the City bond portion. Am I correct on that?

Mr. Clougherty responded in part that is right, Alderman. The revenues derived from the stadium operation will pay for a piece and then the balance...

Alderman O'Neil interjected this particular method that was chosen was actually in the best interest of the taxpayers because otherwise they would have been picking up the tab themselves. At some point we have to bring Gill Stadium to closure. There is construction going on and it has to be ready for April. I know I will speak for myself that I have all the trust in the world in Frank Thomas and following his recommendations. This is Frank's recommendation. I think this will be it, Frank, correct and we will move on and Gill

Stadium will get done and not only will the team be able to play there but the young people of our City will be able to play there in the spring time as well and in the fall. So let's move on and let's get Gill Stadium done. Thank you.

Mayor Baines called for a vote. The motion carried with Aldermen Gatsas, Guinta and DeVries duly recorded in opposition.

Deputy Clerk Johnson stated we have one more item of new business. We distributed a letter from the Planning Director. It is more informational in nature. It is a technical review that will come up at a public hearing later. The issue that the Clerk is bringing forward is that there is a reference in there again to the courtesy notices that we discussed at the last meeting of the Board and there is issue with sending courtesy notices on anything other than a map change and in the instance of Old Wellington Road that is a map change so we can do courtesy notices to those abutters and those located in that map section. The others that are referenced here are not map changes. One has already...the RSM was already taken out of courtesy notice by the Board at the last meeting. I guess the Clerk is asking for clarification because it is the Planning Director's understanding that the Board's intent is that courtesy notices only go out on map changes and we would sort of like to get that ruling from the Board in the form of a motion to cover the Clerk's Office in the future because it is really an impossible task to do it otherwise.

Alderman DeVries moved to require courtesy notices to abutters only on map changes. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Wihby stated I know we have talked about it in the past and Alderman O'Neil has been arguing for it also that the Municipal Association that does our work, maybe we should put that out to bid especially with all of the legislation up in Concord. The Municipal Association represents other towns that might be in conflict with what we want. We might want to look into hiring a lobbyist to look out for the City's best interest rather than all of the towns. I was wondering if we could agree to go out with an RFP to look into that and see if the City can save money and get better representation.

Mayor Baines stated Alderman Wihby and I have been discussing this for some time and I believe the City is at the point when we need somebody up in Concord representing our interest. I think our experience with the last Legislative session where things were being introduced and we didn't know about it has implications for Manchester and there is nobody up there really protecting and informing the City. David Scannell does the best job that he can do following legislation with all of his other responsibilities, but it is absolutely impossible to do it. What I would do is ask the Board because a number of communities do contract with lobbyists. It is not like hiring a full-time person up there that you would contract with some of the services that are provided and I would like to look at exploring that

for the City. We don't have to make any final decisions on it but we are at a critical junction. There are so many things happening in Concord with educational funding and any effort to reduce Manchester's allocation we should fight vigorously. Nashua is beginning to fight obviously because some of the things that have happened to them but often times legislation is being introduced and sometimes passed without our knowledge and without our input because of the way the process works up there. Alderman Wihby are you making a motion that the City Solicitor be authorized to construct an RFP for lobbying purposes.

Alderman Wihby moved to authorize the City Solicitor to construct an RFP for a lobbyist position. Alderman O'Neil duly seconded the motion.

Alderman Guinta asked does anybody have any idea as to how other cities follow this procedure or if they have lobbyists on their behalf.

Alderman Wihby answered some of them do have lobbyists who represent them.

Alderman Guinta asked cities as opposed to towns. Nashua or Portsmouth?

Alderman Wihby answered I am not sure.

Mayor Baines stated we will get that information and bring it back to the Board.

Alderman Wihby stated what you see sometimes with the Municipal Association is they represent cities and towns and sometimes legislation that is good for one town isn't good for us. I think if you take that out...I think we pay them \$25,000 a year. Some of the lobbyists who have come up to me are willing to do it for a lot cheaper than that and make sure that every Alderman gets an e-mail on what is going on and do a better job of notifying us what is going on in Concord. I think it is worth looking into to save money and be better informed.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Gatsas stated I was channel surfing and I was listening to part of a conversation at the School Department. In regards to and I just happened to get this from the Business Administrator, a communication from Mr. Sanders regarding the School District's operating statement and revenue reports and it shows a transfer in here from the City of \$500,000. I thought I misunderstood him when he was saying something about an MS25 form was changed at the State to reduce the tax rate and then we reimbursed them, the City reimbursed them \$500,000.

Mayor Baines stated that was a DRA issue. The DRA ruled on the form and the money had to be handled that way. Am I correct, Kevin?

Mr. Clougherty responded that is correct Mayor.

Mayor Baines stated that was a ruling of the DRA.

Alderman Gatsas asked which was what.

Mayor Baines stated Kevin can explain the details of it. That is why the tax rate actually went down lower than we had originally projected.

Mr. Clougherty stated when you submit your forms to the State for tax rate settings one of the things they ask both the School District and the City to provide is a list of appropriation actions by the Boards. If you recall when we adopted the budget there was a \$500,000 item with respect to the School District where it was going to be covered through transfers on the City side but they included it as an appropriation on their side. It wasn't an appropriation and because they had submitted that it would have driven up the tax rate. What we talked to them about was putting it back the way it was actually adopted by the Aldermen so that it wasn't a double appropriation and to make it the way it should have been.

Alderman Wihby asked what was the \$500,000 for initially. I don't remember that.

Mr. Clougherty answered my recollection is it was dollars to deal with the buses but I will have to go back and look at it. I will research that. If you had asked me before the meeting tonight I could have gotten that for you.

Alderman Gatsas responded I would have but I didn't have a chance to look at this until just now. I would like to move to table this.

Mayor Baines stated we are not taking action on this tonight.

Alderman Gatsas stated I am just asking for a clarification, your Honor. Sometimes we ask for things and we don't get them.

Mayor Baines responded we will make sure that that comes forward.

Mr. Clougherty stated right I will go back and dig out what the Resolutions were. I just can't remember.

Mayor Baines asked Kevin can we get something out to all of the Aldermen next week.

Mr. Clougherty answered yes.

Alderman Lopez stated the City Clerk has passed out the salaries for Mayors of different cities and towns. This was requested by the Board and on behalf of the HR Director I am presenting it to the Board so it doesn't get lost in the shuffle.

Alderman Gatsas asked are you making a motion.

Alderman Lopez stated correct me if I am wrong but how do we get it to make sure it doesn't get lost in the shuffle.

Mayor Baines stated just for edification, we were in White Plains, New York this past Thursday looking at the cinemas and the Mayor there with a population of 54,000 makes \$130,000 or something like that.

Alderman Lopez stated I guess what I am getting at is at the last meeting there was a discussion with Alderman Gatsas and myself and I accepted his friendly amendment to provide the Board at the next meeting this particular information in reference to the Mayor's salaries in various cities and towns.

Deputy Clerk Johnson stated you could refer it to a Committee.

Alderman Lopez moved to refer the information to the Committee on Administration.

Mayor Baines stated this issue needs to be addressed. I addressed this with the Charter Commission. It is an absolutely ridiculous situation that you have here. I went to the Charter Commission and I said address this issue going forward. Don't deal with the present administration but the salary of the City of Manchester needs to be adjusted. It is not about the present Mayor. It is about the future of the City and what is fair. At the same time there needs to be something addressed about the salaries that the Mayor's Office is able to offer for staff. We have some of the hardest working people in City government in terms of the hours they work and the money they receive. They are not on a fixed hourly schedule. They sometimes work 60 or 70 hours a week and look at what they are being paid in regards to what other people are getting paid in City government. All of these issues need to be looked at for the future of the City and not necessarily for the people that are there because they are underpaid. It is really a travesty that is occurring as you look around City government and what is happening in those offices. I thank Alderman Gatsas for bringing that up and the action of the Charter Commission was absolutely insulting that they wanted to freeze that, I guess, forever. So I appreciate that being referred to any Committee so that the City can address that in the future in a fair manner.

Alderman Gatsas duly seconded the motion. Alderman Gatsas stated for clarification I did finish my statement by saying that we should send it to a referendum.

Mayor Baines responded again that is a decision of the Board but I think that is a decision...why don't we send the salaries of department heads and everybody else to referendum. First of all, that would be a non-binding referendum. I think that is an issue that government can deal with fairly analyzing what Mayors are being paid across...again it is not affecting me. I am talking about the future of the City. I am content with what I am making. I accepted the job at the present salary. I never asked for a raise and won't ask for a raise as long as I am Mayor but for the future of the City this does need to be addressed. It doesn't need to go to a referendum. The Board of Mayor and Aldermen should have the courage to deal with the salaries of elected officials. That is what you are elected to do.

Mayor Baines called for a vote on the motion to refer this to the Committee on Administration/Information Systems. There being none opposed, the motion carried.

Deputy Clerk Johnson stated I have just one other item. I was in error earlier when I asked that the December 2 minutes be removed. I was of the understanding that they did not go out. I have been informed that they did go out and you did receive them today. If the Board would like to accept those minutes, they could do so.

On motion of Alderman O'Neil, duly seconded by Alderman Smith, it was voted to accept the Board minutes of December 2, 2003.

Alderman Gatsas stated my colleague in Ward 1 brought to my attention that the salary of the Mayor is a charter change.

Mayor Baines responded no it is not. The Charter basically states that that is the salary but it can be adjusted by the Board of Mayor and Aldermen. Absolutely. We made that very clear to allow them that latitude. Let's not argue it tonight. Again, I don't want a raise so it doesn't affect me.

Mayor Baines stated all of the mailings are going out but I want to remind the public and all of you about inauguration day on January 6, 2004. There will be an ecumenical...I have always started every new term asking for prayers and strength from God to give us the power and the strength to carry forward in the two years and we will be doing it again at St. Joseph's Cathedral at 8 AM. I invite you and your families to participate and everyone in City government and the public to attend as well. There will be an ecumenical prayer service. Following that, the Inauguration will take place at 10 AM at the Palace Theatre and there will be a reception following at The Chateau after which we will come back to City Hall for our organizational meeting. The Inaugural Ball will be on Saturday evening at the Center of New Hampshire and that information will be forthcoming for you as well. Those of you who have asked about tickets, they are the same price they were two years ago. I would like to again thank all of you for your service to our community over the last two years. We have accomplished a lot by working together. I think we restored in a very strong

way dignity and respect to City government in the way we conduct our business. That has been to the advantage of everyone involved, especially relations with the School District, I think, which have been strengthened. I thank both Boards for what they have done in that regard. I also want to thank the department heads and people who work in City government. Mayors come and go and Aldermen come and go but it is the people who do their work each and every day to keep our City strong and services vital to the community. As we close this session of the Board of Mayor and Aldermen and having worked together for two years I would like to publicly acknowledge the great public servants. They are on display every day. Visibly we had the Highway Department with this latest snowstorm. We had two snowstorms in a row. You want to see dedication and hard work and commitment you can see that not only in the Highway Department but in every department in the City. I am very honored and privileged to work with all of these City employees and again I want to thank you for a job well done. We don't always agree but certainly we have focused on the future of this great City. Thank you for serving with me these past two years.

There being no further business, on motion of Alderman Wihby, duly seconded by Alderman Pinard it was voted to adjourn.

A True Record. Attest

City Clerk